

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 32

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JUN 08 2004

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte FRIEDHELM BECKMANN

Appeal No. 2004-0578
Application No. 09/666,951

ORDER DISMISSING APPEAL

Before HARKCOM, Acting Chief Administrative Patent Judge and KIMLIN and WILLIAM F. SMITH, Administrative Patent Judges.

Per curiam.

On April 15, 2004, counsel for the appellant filed a Notice to Withdraw Appeal. On April 19, 2004, counsel for the appellant filed a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued

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examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, the appeal in this application is dismissed.

The application is being returned to the examiner for further action as may be appropriate.

GARY V. HARKCOM, Acting Chief)
Administrative Patent Judge)
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EDWARD C. KIMLIN) BOARD OF PATENT
Administrative Patent Judge) APPEALS AND
) INTERFERENCES
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WILLIAM F. SMITH)
Administrative Patent Judge)

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